

1 John J. Edmonds (State Bar No. 274200)
jedmonds@cepiplaw.com
2 COLLINS EDMONDS POGORZELSKI
3 SCHLATHER & TOWER, PLLC
1851 East First Street, Suite 900
4 Santa Ana, California 92705
Telephone: (951) 708-1237
5 Facsimile: (951) 824-7901

6 Attorney for Plaintiff,
7 **GAMETEK LLC**

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 GAMETEK LLC,

12 Plaintiff,

13 v.

14 FACEBOOK, INC.; FACEBOOK
OPERATIONS, LLC; FACEBOOK
15 PAYMENTS, INC.; FACEBOOK SERVICES,
INC.; 6WAVES LLC f/k/a LOLAPPS INC.
16 d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES;
6WAVES TECHNOLOGIES, LLC f/k/a
17 LOLAPPS INC. d/b/a 6WAVES LOLAPPS
d/b/a SIX WAVES; 6WAVES US, INC. f/k/a
18 LOLAPPS INC. d/b/a 6WAVES LOLAPPS
d/b/a SIX WAVES; BIG VIKING GAMES
19 INC. f/k/a TALLTREE GAMES; BUFFALO
20 STUDIOS LLC; CIE GAMES, INC.;
21 CROWDSTAR INTERNATIONAL LIMITED;
CROWDSTAR INC.; CROWDSTAR
22 NETWORK, LLC; ELECTRONIC ARTS INC.
d/b/a EA INTERACTIVE d/b/a PLAYFISH
23 d/b/a POGO GAMES; FUNZIO, INC.;
24 FUNZIO USA, INC.; ROCKYOU, INC.; SIX
WAVES INC. f/k/a LOLAPPS INC. d/b/a
25 6WAVES LOLAPPS d/b/a SIX WAVES;
THEBROTH INC.; WOOGA GMBH; and
26 ZYNGA INC.

27 Defendants.
28

Case No.: **'12CV0501 LAB WMc**

**COMPLAINT FOR INFRINGEMENT OF
U.S. PATENT NO. 7,076,445**

DEMAND FOR JURY TRIAL

This is an action for patent infringement in which GAMETEK LLC submits this Original Complaint against Defendants named herein, namely FACEBOOK, INC.; FACEBOOK OPERATIONS, LLC; FACEBOOK PAYMENTS, INC.; FACEBOOK SERVICES, INC.; 6WAVES LLC f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES; 6WAVES TECHNOLOGIES, LLC f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES; 6WAVES US, INC. f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES; BIG VIKING GAMES INC. f/k/a TALLTREE GAMES; BUFFALO STUDIOS LLC; CIE GAMES, INC.; CROWDSTAR INTERNATIONAL LIMITED; CROWDSTAR INC.; CROWDSTAR NETWORK, LLC; ELECTRONIC ARTS INC. d/b/a EA INTERACTIVE d/b/a PLAYFISH d/b/a POGO GAMES; FUNZIO, INC.; FUNZIO USA, INC.; ROCKYOU, INC.; SIX WAVES INC. f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES; THEBROTH INC.; WOOGA GMBH; and ZYNGA INC. (collectively “Defendants”), as follows:

THE PARTIES

1. GAMETEK LLC (“GAMETEK” or “Plaintiff”) is a California limited liability company with a place of business at 500 Newport Center Drive, Suite 700, Newport Beach, CA 92660.

2. On information and belief, FACEBOOK, INC. and FACEBOOK SERVICES, INC. are Delaware corporations with a place of business at 1601 Willow Rd, Menlo Park, CA 94025.

3. On information and belief, FACEBOOK OPERATIONS, LLC is a Delaware limited liability company with a place of business at 1601 Willow Rd, Menlo Park, CA 94025.

4. On information and belief, FACEBOOK PAYMENTS, INC. is a Florida corporation with a place of business at 1601 Willow Rd, Menlo Park, CA 94025. FACEBOOK, INC.;

1 FACEBOOK SERVICES, INC. Hereinafter, FACEBOOK OPERATIONS, LLC; and FACEBOOK
2 PAYMENTS, INC. are collectively referred to as “FACEBOOK.”

3 5. On information and belief, Defendants 6WAVES LLC f/k/a LOLAPPS INC. d/b/a
4 6WAVES LOLAPPS d/b/a SIX WAVES; 6WAVES TECHNOLOGIES, LLC f/k/a LOLAPPS INC.
5 d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES are Delaware limited liability companies with a place
6 of business at 116 New Montgomery St., Suite 700, San Francisco, CA 94105.
7

8 6. On information and belief, Defendant 6WAVES US, INC. f/k/a LOLAPPS INC.
9 d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES is a Delaware corporation with a place of business at
10 116 New Montgomery St., Suite 700, San Francisco, CA 94105.
11

12 7. On information and belief, SIX WAVES INC. f/k/a LOLAPPS INC. d/b/a 6WAVES
13 LOLAPPS d/b/a SIX WAVES is a British Virgin Island Corporation with place of business at Suite
14 601, 6/F, Caroline Centre, Lee Gardens Twim 28 Yun Ping Road, Causeway Bay, Hong Kong.
15 Hereinafter, 6WAVES LLC f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES;
16 6WAVES TECHNOLOGIES, LLC f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX
17 WAVES; 6WAVES US, INC. f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES;
18 SIX WAVES INC. f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES are
19 collectively referred to as “SIX WAVES.”
20

21 8. On information and belief, BIG VIKING GAMES INC. f/k/a TALLTREE GAMES
22 (“BIG VIKING”) is a Canadian corporation with a place of business at 124 Chantry Place #205
23 London, Ontario N6G5A5 Canada.
24

25 9. On information and belief, BUFFALO STUDIOS LLC (“BUFFALO STUDIOS”) is
26 a California corporation with a place of business at 1634 19TH ST, Santa Monica, CA 90404.
27
28

1 10. On information and belief, CIE GAMES, INC. (“CIE”) is a Delaware corporation
2 with a place of business at 111 W Ocean Blvd. # 1800 Long Beach, CA 90802-7936.

3 11. On information and belief, CROWDSTAR INTERNATIONAL LIMITED is an Irish
4 corporation with a place of business at 330 Primrose Road Suite 306, Burlingame, CA 94010.
5 Further, on information and belief, CROWDSTAR INC. is a Delaware Corporation with a place of
6 business at 330 Primrose Road Suite 306, Burlingame, CA 94010.

7 12. On information and belief, CROWDSTAR NETWORK, LLC is a Delaware limited
8 liability corporation with a place of business at 330 Primrose Road Suite 306, Burlingame, CA
9 94010. CROWDSTAR INTERNATIONAL LIMITED; CROWDSTAR INC.; and CROWDSTAR
10 NETWORK, LLC are collectively referred to as “CROWDSTAR.”
11

12 13. On information and belief, ELECTRONIC ARTS INC. d/b/a EA INTERACTIVE
13 d/b/a PLAYFISH d/b/a POGO GAMES (“EA”) is Delaware corporation with a place of business at
14 209 Redwood Shores Parkway, Redwood City, CA 94065.
15

16 14. On information and belief, FUNZIO, INC. is a Delaware corporations with a place of
17 business at 500 Howard Street, Suite 425, San Francisco, CA 94105. FUNZIO, INC. and FUNZIO
18 USA, INC. are collectively referred to as “FUNZIO.”
19

20 15. On information and belief, FUNZIO USA, INC. is a Delaware corporation with a
21 place of business at 500 Howard Street, Suite 425, San Francisco, CA 94105. Hereinafter, FUNZIO,
22 INC. and FUNZIO USA, INC. are collectively referred to as “FUNZIO.”
23

24 10. On information and belief, ROCKYOU, INC. (“ROCKYOU”) is a Delaware
25 corporation with a place of business at 425 Broadway Street, Redwood City, CA 94063.

26 11. On information and belief, THEBROTH INC. (“THEBROTH”) is a Delaware
27 corporation with a place of business at 720 Market Street, 3rd Floor, San Francisco, CA 94102.
28

12. On information and belief, WOOGA GMBH (“WOOGA”) is a German corporation with a place of business at Saarbrücker Straße 38, 10405 Berlin, Germany.

13. On information and belief, ZYNGA INC. (“ZYNGA”) is a Delaware corporation with a place of business at 699 8th St, San Francisco, CA 94103.

JURISDICTION AND VENUE

14. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

15. On information and belief, the Defendants are subject to this Court’s specific and/or general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at least to their substantial business in California, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites and/or games comprising infringing methods, which are at least used in and/or accessible in California. Further, on information and belief, Defendants regularly conduct and/or solicit business, engage in other persistent courses of conduct, and/or derive substantial revenue from goods and services provided to persons and/or entities in California.

16. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Without limitation, on information and belief, Defendants are subject to personal jurisdiction in this district. On information and belief, the Defendants are subject to this Court’s specific and/or general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at least to their substantial business in this district, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites and games comprising infringing methods, which are at least used in and/or accessible in this district. Further, on information and belief, Defendants regularly conduct and/or solicit business, engage in other

1 persistent courses of conduct, and/or derive substantial revenue from goods and services provided to
2 persons and/or entities in this district.

3 **JOINDER**

4 17. On information and belief, joinder of these Defendants is proper under 35 U.S.C. §
5 299, including at least due to the joint involvement of FACEBOOK (e.g., at www.facebook.com)
6 with the management of at least each of Barn Buddy, Bingo Blitz, Car Town, CityVille, Crime City,
7 Empires and Allies, FarmVille, Fish World, Happy Aquarium, Mafia Wars 2, Monster World,
8 Poppit! Sprint, Ravenwood Fair, and/or Zoo World.
9

10 **COUNT I**

11 **INFRINGEMENT OF U.S. PATENT NO. 7,076,445**

12 18. United States Patent No. 7,076,445 (“the ‘445 patent”), entitled “SYSTEM AND
13 METHODS FOR OBTAINING ADVANTAGES AND TRANSACTING THE SAME IN A
14 COMPUTER GAMING ENVIRONMENT,” issued on July 11, 2006.
15

16 19. GAMETEK is the present assignee of the entire right, title and interest in and to the
17 ‘445 patent, including all rights to sue for past and present infringement. Accordingly, GAMETEK
18 has standing to bring this lawsuit for infringement of the ‘445 patent.
19

20 20. The various claims of the ‘445 patent cover, inter alia, a method of managing a game
21 comprising displaying a plurality of game objects, determining if the user has sufficient
22 consideration to purchase a game object, presenting an offer to purchase the game object dependent
23 upon parameters comprising the tracked activity of the user and the indication that the user has
24 sufficient consideration, permitting the user to purchase the game object without interrupting the
25 game, supplying the purchased game object to the user without interrupting the game, and
26 incorporating the game object into the game.
27
28

1 21. On information and belief, FACEBOOK has been and now is infringing, including
2 jointly, the '445 patent by actions comprising managing a game comprising displaying a plurality of
3 game objects, determining if the user has sufficient consideration to purchase a game object,
4 presenting an offer to purchase the game object dependent upon parameters comprising the tracked
5 activity of the user and the indication that the user has sufficient consideration, permitting the user to
6 purchase the game object without interrupting the game, supplying the purchased game object to the
7 user without interrupting the game, and incorporating the game object into the game. On information
8 and belief, such methods comprise Barn Buddy, Bingo Blitz, Car Town, CityVille, Crime City,
9 Empires and Allies, FarmVille, Fish World, Happy Aquarium, Mafia Wars 2, Monster World,
10 Poppit! Sprint, Ravenwood Fair, and/or Zoo World.
11

12 22. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
13 known as Barn Buddy.
14

15 23. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
16 known as Bingo Blitz.
17

18 24. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
19 known as Car Town.

20 25. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
21 known as CityVille.
22

23 26. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
24 known as Crime City.

25 27. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
26 known as Empires and Allies.
27
28

1 28. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
2 known as FarmVille.

3 29. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
4 known as Fish World.

5 30. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
6 known as Happy Aquarium.

7 31. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
8 known as Mafia Wars 2.

9 32. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
10 known as Monster World.

11 33. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
12 known as Poppit! Sprint.

13 34. Further, on information and belief, FACEBOOK makes, uses, and hosts the game
14 known as Ravenwood Fair.

15 35. Further, on information and belief, FACEBOOK makes uses, and hosts the game
16 known as Zoo World.

17 36. On information and belief, SIX WAVES has been and now is infringing, including
18 jointly, the '445 patent by actions comprising managing a game comprising displaying a plurality of
19 game objects, determining if the user has sufficient consideration to purchase a game object,
20 presenting an offer to purchase the game object dependent upon parameters comprising the tracked
21 activity of the user and the indication that the user has sufficient consideration, permitting the user to
22 purchase the game object without interrupting the game, supplying the purchased game object to the
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1 user without interrupting the game, and incorporating the game object into the game. On information
2 and belief, such methods comprise Ravenwood Fair.

3 37. Further, on information and belief, SIX WAVE makes, uses, and hosts the game
4 known as Ravenwood Fair.

5 38. On information and belief, BIG VIKING has been and now is infringing, including
6 jointly, the '445 patent by actions comprising managing a game comprising displaying a plurality of
7 game objects, determining if the user has sufficient consideration to purchase a game object,
8 presenting an offer to purchase the game object dependent upon parameters comprising the tracked
9 activity of the user and the indication that the user has sufficient consideration, permitting the user to
10 purchase the game object without interrupting the game, supplying the purchased game object to the
11 user without interrupting the game, and incorporating the game object into the game. On information
12 and belief, such methods comprise Fish World.

13 39. Further, on information and belief, BIG VIKING makes, uses, and hosts the game
14 known as Fish World.

15 40. On information and belief, BUFFALO STUDIOS has been and now is infringing,
16 including jointly, the '445 patent by actions comprising managing a game comprising displaying a
17 plurality of game objects, determining if the user has sufficient consideration to purchase a game
18 object, presenting an offer to purchase the game object dependent upon parameters comprising the
19 tracked activity of the user and the indication that the user has sufficient consideration, permitting
20 the user to purchase the game object without interrupting the game, supplying the purchased game
21 object to the user without interrupting the game, and incorporating the game object into the game.
22 On information and belief, such methods comprise Bingo Blitz.

1 41. Further, on information and belief, BUFFALO STUDIOS makes, uses, and hosts the
2 game known as Bingo Blitz.

3 42. On information and belief, CIE has been and now is infringing, including jointly, the
4 ‘445 patent by actions comprising managing a game comprising displaying a plurality of game
5 objects, determining if the user has sufficient consideration to purchase a game object, presenting an
6 offer to purchase the game object dependent upon parameters comprising the tracked activity of the
7 user and the indication that the user has sufficient consideration, permitting the user to purchase the
8 game object without interrupting the game, supplying the purchased game object to the user without
9 interrupting the game, and incorporating the game object into the game. On information and belief,
10 such methods comprise Car Town.
11

12 43. Further, on information and belief, CIE makes, uses, and hosts the game known as
13 Car Town.
14

15 44. On information and belief, CROWDSTAR has been and now is infringing, including
16 jointly, the ‘445 patent by actions comprising managing a game comprising displaying a plurality of
17 game objects, determining if the user has sufficient consideration to purchase a game object,
18 presenting an offer to purchase the game object dependent upon parameters comprising the tracked
19 activity of the user and the indication that the user has sufficient consideration, permitting the user to
20 purchase the game object without interrupting the game, supplying the purchased game object to the
21 user without interrupting the game, and incorporating the game object into the game. On information
22 and belief, such methods comprise Happy Aquarium.
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24 45. Further, on information and belief, CROWDSTAR makes, uses, and hosts the game
25 known as Happy Aquarium.
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1 46. On information and belief, EA has been and now is infringing, including jointly, the
2 ‘445 patent by actions comprising managing a game comprising displaying a plurality of game
3 objects, determining if the user has sufficient consideration to purchase a game object, presenting an
4 offer to purchase the game object dependent upon parameters comprising the tracked activity of the
5 user and the indication that the user has sufficient consideration, permitting the user to purchase the
6 game object without interrupting the game, supplying the purchased game object to the user without
7 interrupting the game, and incorporating the game object into the game. On information and belief,
8 such methods comprise Poppit! Sprint.
9

10 47. Further on information and belief, EA makes, uses, and hosts the game known as
11 Poppit! Sprint.
12

13 48. On information and belief, FUNZIO has been and now is infringing, including
14 jointly, the ‘445 patent by actions comprising managing a game comprising displaying a plurality of
15 game objects, determining if the user has sufficient consideration to purchase a game object,
16 presenting an offer to purchase the game object dependent upon parameters comprising the tracked
17 activity of the user and the indication that the user has sufficient consideration, permitting the user to
18 purchase the game object without interrupting the game, supplying the purchased game object to the
19 user without interrupting the game, and incorporating the game object into the game. On information
20 and belief, such methods comprise Crime City.
21

22 49. Further, on information and belief, FUNZIO makes, uses, and hosts the game known
23 as Crime City.
24

25 50. On information and belief, ROCKYOU has been and now is infringing, including
26 jointly, the ‘445 patent by actions comprising managing a game comprising displaying a plurality of
27 game objects, determining if the user has sufficient consideration to purchase a game object,
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1 presenting an offer to purchase the game object dependent upon parameters comprising the tracked
2 activity of the user and the indication that the user has sufficient consideration, permitting the user to
3 purchase the game object without interrupting the game, supplying the purchased game object to the
4 user without interrupting the game, and incorporating the game object into the game. On information
5 and belief, such methods comprise Zoo World.
6

7 51. Further, on information and belief, ROCKYOU makes, uses, and hosts the game
8 known as Barn Buddy.

9 52. On information and belief, THEBROTH has been and now is infringing, including
10 jointly, the '445 patent by actions comprising managing a game comprising displaying a plurality of
11 game objects, determining if the user has sufficient consideration to purchase a game object,
12 presenting an offer to purchase the game object dependent upon parameters comprising the tracked
13 activity of the user and the indication that the user has sufficient consideration, permitting the user to
14 purchase the game object without interrupting the game, supplying the purchased game object to the
15 user without interrupting the game, and incorporating the game object into the game. On information
16 and belief, such methods comprise Barn Buddy.
17
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19 53. Further, on information and belief, THEBROTH makes, uses, and hosts the game
20 known as Barn Buddy.

21 54. On information and belief, WOOGA has been and now is infringing, including
22 jointly, the '445 patent by actions comprising managing a game comprising displaying a plurality of
23 game objects, determining if the user has sufficient consideration to purchase a game object,
24 presenting an offer to purchase the game object dependent upon parameters comprising the tracked
25 activity of the user and the indication that the user has sufficient consideration, permitting the user to
26 purchase the game object without interrupting the game, supplying the purchased game object to the
27
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1 user without interrupting the game, and incorporating the game object into the game. On information
2 and belief, such methods comprise Monster World.

3 55. Further, on information and belief, WOOGA makes, uses, and hosts the game known
4 as Monster World.

5 56. On information and belief, ZYNGA has been and now is infringing, including jointly,
6 the '445 patent by actions comprising managing a game comprising displaying a plurality of game
7 objects, determining if the user has sufficient consideration to purchase a game object, presenting an
8 offer to purchase the game object dependent upon parameters comprising the tracked activity of the
9 user and the indication that the user has sufficient consideration, permitting the user to purchase the
10 game object without interrupting the game, supplying the purchased game object to the user without
11 interrupting the game, and incorporating the game object into the game. On information and belief,
12 such methods comprise FarmVille, Empires and Allies, Mafia Wars 2, and/or CityVille.
13

14 57. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
15 as Farmville.
16

17 58. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
18 as Empires and Allies.
19

20 59. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
21 as Mafia Wars 2.

22 60. Further, on information and belief, ZYNGA makes, uses, and hosts game known as
23 CityVille.
24

25 **PRAYER FOR RELIEF**

26 WHEREFORE, GAMETEK respectfully requests that this Court enter:

- 27 1. A judgment in favor of GAMETEK that Defendants have infringed the '445 patent;
28

1 2. A permanent injunction enjoining Defendants, and their officers, directors,
2 employees, agents, affiliates and all others acting in active concert therewith from infringing the
3 ‘445 patent;

4 3. A judgment and order finding that this is an exceptional case within the meaning of
5 35 U.S.C. § 285 and awarding to GAMETEK its reasonable attorneys’ fees;
6

7 4. Any and all other relief to which GAMETEK may show itself to be entitled.

8 **DEMAND FOR JURY TRIAL**

9 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of
10 any issues so triable by right.
11

12
13 Dated: February 28, 2012

Respectfully submitted,

14 COLLINS, EDMONDS & POGORZELSKI,
15 PLLC

16 /s/ John J. Edmonds
17 John J. Edmonds

18 Attorney for Plaintiff
19 GAMETEK LLC
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

GAMETEK LLC

(b) County of Residence of First Listed Plaintiff Orange County, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John J. Edmonds, Collins, Edmonds, Pogorzelski, Schlather & Tower,
PLLC, 1851 East First Street, Suite 900, Santa Ana, California 92705
(951) 708-1237

DEFENDANTS

FACEBOOK, INC. et al.

County of Residence of First Listed Defendant San Mateo County, CA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'12CV0501 LAB WMc**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 271

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER see attached

DATE

SIGNATURE OF ATTORNEY OF RECORD

02/28/2012

/s/ John J. Edmonds

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

RELATED CASES

GameTek, LLC v. NHN USA, Inc. et al.; CA No. TBD; filed 2/28/12 in SD Cal.

GameTek, LLC v. Gameview Studios, LLC; CA No. TBD; filed 2/28/12 in SD Cal.

GameTek, LLC v. BackFlip Studios, Inc.; CA No. TBD; filed 2/28/12 in SD Cal.